

**To:** Reyes, Deldi[Reyes.Deldi@epa.gov]  
**From:** Maier, Brent  
**Sent:** Wed 12/30/2015 5:38:20 PM  
**Subject:** Dean's Message to Irvin De La O's Questions: Reply to your questions on Exide

Here is what Dean sent to Irvin De La O.

Brent Maier

Congressional Liaison

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**From:** Higuchi, Dean  
**Sent:** Tuesday, December 15, 2015 3:57 PM  
**To:** Irvin.DeLaO@mail.house.gov  
**Cc:** Maier, Brent <Maier.Brent@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>  
**Subject:** Reply to your questions on Exide

Hi Irvin,

Here are replies to your two questions, please let me know if you have any further questions.

1) In the first paragraph, it's stated that "rarely are the state and EPA co-leads." Can you provide us with some examples of when/where this has occurred, and why?

**We have one current example in Region 9 of a co-lead cleanup which is in Hawaii under the RCRA program. The co-lead arrangement with the Hawaii Department of Health**

**resulted from a joint enforcement action.**

2) In the fourth paragraph, you explain the different manners in which EPA's Superfund program provides funding, and one of them is when the "site meets the criteria for an emergency response." What is the criteria for an emergency response?

**The criteria for an emergency response are set forth in CERCLA, OPA and the National Contingency Plan. The criteria are numerous and include the determination that conditions from hazardous substances, pollutants or contaminants present an imminent and substantial endangerment to human health or the environment *and* there is no available other appropriate federal or state response mechanisms to respond to the release.**

**In the case of the Exide Site, the DTSC is fully engaged in the cleanup, so clearly there is an appropriate state mechanism to respond to the contamination at the site.**

Thanks!

Dean Higuchi

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